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November 18, 2024

Hon. Magistrate Judge Miroslav Lovric
U.S. District Court Northern District Of New York
15 Henry Street
Binghamton, NY 13901

RE: Happy Hour Drinks Company, Inc. v. Can Man, LLC et al.
Case No. 3:24-cv-00047-TJM-ML

Your Honor:

We represent the plaintiff Happy Hour Drinks Company, Inc., in the above action.

This status report is submitted on behalf of the plaintiff pursuant to the Court's direction.

Plaintiff only received Defendants' supplemental responses and documents today at 11:43 am EST. This does not give Plaintiff enough time to review the productions and file motions to compel by tomorrow, November 19, 2024. Additionally, mediation is one week away (November 25, 2024) and mediation briefs are due by this Wednesday, November 20, 2024.

Additionally, just yesterday, principals of Happy Hour communicated with principals of another Can Man client, Neatly Spiked, who provided photos and document related to leaking cans suffered by Neatly Spiked in February of 2023 (during the relevant time period of July 2021 – July 2023). Defendants did not disclose the existence of the leaking cans from Neatly Spiked despite two motions to compel requiring it to do so. Thus, Happy Hour also reserves the right to re-open issues regarding its first motion to compel, and seek appropriate sanctions.

Considering the timing of these events and deadlines, along with other case commitments, Plaintiff will be unable to prepare multiple motions to compel (along with a mediation brief) in the next two days. Defendants have disclosed that Defendants and the insurance carrier will be present at the November 25th

mediation, which shows the Parties will use their best efforts to resolve this case. We therefore propose the following schedule:

- November 26, 2024: Parties are directed to file post-mediation status report providing updates on discovery disputes as well
- December 3, 2024: Plaintiff to file motion to compel
- December 10, 2024: Deadline to respond to motion to compel
- Hearing at the Court's discretion.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joseph A. Churgin".

JOSEPH A. CHURGIN

JAC/mc

cc: Eric Kurtz, Esq.
Happy Hour Drinks Company, Inc.